IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

INCOME TAX REFERENCE No 127 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH
and
Hon'ble MR.JUSTICE D.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

COMMISSIONER OF INCOME-TAX

Versus

KANCHANJUNJA INVESTMENT P LTD

Appearance:
MR AKIL QURE4SHI FOR MR MANISH R BHATT for Applicant.
MR RK PATEL for respondent.

CORAM : MR.JUSTICE M.S.SHAH
and
MR.JUSTICE D.A.MEHTA

Date of decision: 04/10/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE M.S.SHAH)

In this reference at the instance of the revenue, the following question is referred for the opinion of this Court in respect of the assessment year 1982-83 :

"Whether, the Appellate Tribunal has not erred in law and on facts in holding that the interest of Rs.5,97,193/- was not chargeable from Secron Pvt.Ltd.?"

2 We have heard Mr.Akil Qureshi, learned Counsel for the revenue and Mr.R.K.Patel, learned Counsel for the assessee. The learned Counsel have invited our attention to the order dated 28.2.2000 in Income Tax Reference No. 63 of 1985, order dated 20.9.1999 in Income Tax Reference No.195 of 1984, order dated 8.1.2001 in Income Tax Reference No. 290 of 1985 and order dated 11.1.2001 in Income Tax Reference No. 25 of 1988. Relying on the aforesaid orders in references between the same parties, we send back the case to the Tribunal to pass appropriate orders taking into consideration the observations made in the order dated 20.9.1999 of this Court in Income Tax Reference No. 195 of 1984.

3 The reference accordingly stands disposed of with no order as to costs.

(M.S.Shah, J) (D.A.Mehta,J)

m.m.bhatt